

STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

**VERIFIED
PETITION**

-----X
In the Matter of MUSHTAQ AHMAD

Petitioner,

-against-

CHANCELLOR CARMEN FARIÑA, PANEL FOR EDUCATIONAL POLICY (a.k.a. BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK), HIGH SCHOOL SUPERINTENDENT MICHAEL PRAYOR, PRINCIPAL JAMES OLEARCHIK, ASSISTANT PRINCIPAL EMILIE MITTIGA, ASSISTANT PRINCIPAL CATRINA WILLIAMS, DIRECTOR OF OFFICE OF EMPLOYEE RELATIONS KATHERINE G. RODI, INVESTIGATOR OF OFFICE OF PERSONNEL INVESTIGATION SETH TINKLE, PRINCIPAL CEDRIC HALL, and ASSISTANT PRINCIPAL CARMEL MACKLIN,

Respondents,

For a decision pursuant to Education Law §310 regarding their arbitrary and capricious conduct of rescinding the nomination of a chemistry/science teacher, willful misconduct, neglect of duty, and retaliation against an individual from a legally protected class.

-----X
TO THE COMMISSIONER OF EDUCATION:

Dear Hon. Commissioner Elia:

This petition (filed Pursuant to Education Law § 310) is timely because the respondents' willful misconduct, neglect of duty and retaliation against an individual from a legally protected class took place on or around September 19, 2017, when they rescinded, or were accomplices in the rescinding of Petitioner's nomination as a chemistry/science teacher. [See Ex. A; a screenshot from the NYC Department of Education's website and Ex. H; a letter from OPI]

Mushtaq Ahmad (Petitioner), who is a New York State certified chemistry and general science teacher, most respectfully brings the following matters to your attention for the purpose of your review of the

unjust, unfair, irrational, arbitrary, and capricious rescinding of Petitioner's nomination for the position of a chemistry/science teacher by one or more New York City Department of Education (DOE) administrators at The Eagle Academy for Young Men III (29Q327) in District 29 in Queens.

Petitioner requests that you rectify the unjust, unfair, irrational, arbitrary, and capricious treatment which he has been subjected to, and grant certain other forms of relief. Following are the relevant background information and facts for your consideration to decide this appeal.

1. Petitioner is sixty years old, an immigrant, a United States citizen, and currently resides in Rockland County, New York.
2. Petitioner worked from September 1999 through September 2004 as a high school chemistry/science teacher in Brooklyn as a DOE employee, and was rated as "Satisfactory," with the additional comment "outstanding teacher," by the principal of Canarsie High School, and was granted tenure in 2004. [See Ex. B a copy of the yearly evaluation and tenure]
3. Petitioner, after receiving tenure in DOE, resigned on good terms, accepted a job as a chemistry teacher in the Clarkstown Central School District, and moved, along with his family, to Rockland County.
4. In August 2015, Mr. James Olearchik, the principal of the School of Democracy and Leadership (SDL), one of the DOE schools, offered Petitioner the position of a chemistry teacher in SDL, and made false promises to entice Petitioner into accepting the position.

5. After receiving, at DOE's Office of Personnel Investigation (OPI), Mr. Olearchik's nomination for Petitioner's hiring as a chemistry teacher, Mr. Seth Tinkle, an investigator from that office, which is part of DOE's Division of Human Resources (DHR), conducted Petitioner's background investigation, and provided clearance.
6. Petitioner was hired as the first and last chemistry teacher SDL ever hired to work at SDL, but only for the 2015-2016 school year.
7. During the 2015-2016 school year, Petitioner was targeted and retaliated against because of his various complaints: discrimination, scheduling of a chemistry class period for only thirty minutes and for four days a week in violation of the requirements of the NYS Education Department, and lack of resources, including, but not limited to, insufficient numbers of lab aprons (to ensure students' safety), textbooks, chalkboard erasers, etc.
8. After Petitioner's hiring at SDL, Ms. Williams said to Petitioner that it was she who made Petitioner come back for the second demo because she "doubts Muslim people," and that they (Muslims) "are doing wrong things all over the world."
9. On more than one occasion, Ms. Williams and her colleague, Assistant Principal Emilie Mittiga, accompanied students to Petitioner's classroom, let students curse at Petitioner, smirked at the cursing, and did absolutely nothing to stop it.
10. In the way of example, Ms. Williams brought a student to Petitioner's classroom while a class was in progress, and permitted him to curse at, harass, intimidate, and possibly attack Petitioner.

11. Furthermore, Mr. Olearchik, instead of providing a safe work environment to Petitioner, advised him to hide in a teachers' lounge, and sneak out of the school building when the students had gone from the third floor to the ground floor for lunch.
12. Numerous times throughout the 2015-2016 school year, SDL administrators violated the Collective Bargaining Agreement (CBA).
[See www.uft.org/files/attachments/teachers-contract-2009-2018.pdf]
[See www.uft.org/files/attachments/moa-contract-2014.pdf]
13. So far, Petitioner has filed and won two grievances and one complaint of an Annual Professional Performance Review (APPR) violation against the school administrators.
14. At the end of the school year, in June 2016, Ms. Mittiga and Mr. Olearchik told Petitioner, in sum and substance, to change a student's Chemistry class grade from failing to passing.
15. Petitioner did not agree to change the grade of that student from failing to passing because the student had been excessively absent and had not completed twelve hundred minutes' worth of laboratory experiences as mandated by the NYS Board of Regents.
16. Mr. Olearchik treated Petitioner differently from the other teachers, targeted him, and forced him to do the work of his co-teachers, as well.
17. Brooklyn High School Superintendent Michael Prayor, who was informed by the UFT District Representative about the unjust treatment of Petitioner by the SDL administrators, instead of addressing the matters brought to his attention, denied Petitioner completion of

probation, terminated Petitioner's NYC teaching license, and caused Petitioner to be "flagged" or "problem coded" in one or more DOE databases.

18. Such "blacklisting" took place on or about September 6, 2016, even though Petitioner's scores on the APPR's Measures of Student Learning (MOSL) were in the "Effective" range in both the State Measures and the Local Measures.

19. Petitioner's overall APPR final rating was "Developing" due to receiving a "Developing" rating on the Measures of Teacher Practice (MOTP) component.

20. In 2017, Petitioner reapplied for a teaching position through NYCDOE's online system.

21. After the review conducted by DOE's Office of Teacher Recruitment and Quality, Petitioner's application made its way to the "New Teacher Finder" and Petitioner started to receive invitations to interviews and DOE's job fairs. [See Ex. C; a screenshot from the NYC Department of Education's website]

22. On August 8, 2017, Katherine G. Rodi, DOE's Director of Employee Relations, responded to Petitioner's email, "Subject: Request for clearance, and removal of false information from record," and stated, in relevant part, "There is no hold or flag on your file that prevents a principal from nominating you for a position, but that does not mean you have clearance." [See Ex. D; P. 1-2]

23. On August 23, 2017, an unknown DOE employee, using an email address OPIInfo@schools.nyc.gov, responded to Petitioner's follow-up email on the same topic,

and stated, in relevant part, “As Ms. Rodi correctly stated, there is no ‘hold or flag’ on your file preventing a principal from nominating you.” [See Ex. D; P. 2]

24. Assistant Principal Carmel Macklin of DOE’s Eagle Academy for Young Men III (29Q327) interviewed and offered Petitioner a chemistry teacher position on September 1, 2017. [See Ex. E; P. 5, Email numbered 7]

25. 29Q327 properly submitted Petitioner’s nomination, and Petitioner was hired through a proper procedure. [See Ex. F and Ex. C]

26. From September 1, 2017, through September 11, 2017, every school day, Petitioner went to 29Q327, performed his professional duties, and taught five classes assigned to him.

27. On September 12, 2017, Ms. Rodi, instead of contacting Petitioner and scheduling an interview for OPI clearance, contacted the 29Q327 school administration directing them to NOT let Petitioner enter the building because he had been “flagged” and did not have OPI clearance.

28. Katherine G. Rodi never mentioned in her emails to Petitioner that he was “flagged,” but, instead, specifically denied it. [See Ex. D; P. 1,2, and 4]

29. Ms. Rodi put Petitioner out of work, thereby hurting not only Petitioner but students' learning as well.

30. At the request of Mr. Tinkle, Petitioner submitted various requested documents to him via email and in person on September 18, 2017. [See Ex. G; P. 1,3, and 4]

31. However, Mr. Cedric Hall, the 29Q327 principal, rescinded Petitioner's nomination for a chemistry teacher position effective September 19, 2017. [See Ex. A and Ex. G, P. 3 and 4 -- emails numbered 5 and 6]

32. OPI then closed the investigation without any determination, and without just cause, because of the withdrawal of Mr. Hall's nomination of Petitioner on September 19, 2017. [See Ex. H]

33. The next day, on September 20, 2017, 29Q327 posted a science teacher vacancy online in DOE's system.

6251	QU04	77	Queens	Q327 - Eagle Academy for Young Men III	Secondary School	Teacher	SCIENCE - GENERAL SCIENCE
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34. Such vacancy was still open as of October 16, 2017, which leads to the reasonable conclusion that 29Q327 currently needs a certified chemistry and or general science teacher, just as some other DOE high schools still do.

35. Petitioner sent numerous emails to Mr. Hall, and others, requesting them to provide the rational, factual basis or reasonable justification for withdrawing the nomination, but as of October 16, 2017, there had been no response. [See Ex. D, E, G, and I]

36. Rescinding the nomination of Petitioner, after requiring him to do his professional duties and teach five classes up to September 11, 2017, without providing the rational, factual

basis or reasonable justification for such action is unjust, unfair, irrational, arbitrary, and capricious.

37. The rescinding of petitioner's nomination appeared to be the result of conspiracy and collusion in retaliation for Petitioner's EEOC charge # 520-2017-02916 (filed on June 28, 2017) and his discrimination complaints filed with DOE's Office of Equal Opportunity (in 2016).

38. On October 3, 2017, Petitioner appealed to the Chancellor and the Panel for Educational Policy in order to exhaust administrative remedy but neither the Chancellor nor the Panel for Educational Policy had determined Petitioner's appeals as of October 16, 2017. [See Ex. J and K]

WHEREFORE, in light of the foregoing, petitioner respectfully requests that the Commissioner of Education provide the following relief:

1. Issue an order requiring Chancellor Carmen Fariña and/or the Panel for Educational Policy (a.k.a. Board of Education of the City School District of the City of New York), to reinstate Petitioner as a chemistry teacher at The Eagle Academy for Young Men III (29Q327) in District 29 in Queens, or at any other NYC Department of Education high school which needs a chemistry teacher, with retroactive pay and all fringe benefits.
2. Issue an order requiring Chancellor Carmen Fariña and/or the Panel for Educational Policy (a.k.a. Board of Education of the City School District of the City of New York) and its administrators to refrain from retaliating against Petitioner and to provide a safe work environment.

3. Issue an order requiring Chancellor Carmen Fariña to send a memorandum to all staff, informing them that emails and letters of a business nature must either be responded to promptly, accurately, professionally, and courteously, or, in the alternative, referred to an appropriate staff member who will so respond.
4. Issue an order requiring Chancellor Carmen Fariña to send a memorandum to all staff informing them that emails and letters of a business nature, issued by staff, must, in the signature line, bear the name and job title of a specific sender, and not exclusively the name of an office such as “Office of Personnel Investigation.”
5. Such other relief as the Commissioner deems just and proper.

Respectfully submitted,



Mushtaq Ahmad

10 Parliament Drive; New City, NY 10956

(845) 304-8981

nymushtaq@gmail.com

Dated: October 17, 2017
New City, NY

AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK:

:SS.

COUNTY OF ROCKLAND

MUSHTAQ AHMAD being duly sworn deposes and says that he is the petitioner in this proceeding; that he has read the annexed petition and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.



(Signature)

Subscribed and sworn to

before me this th17 day of

October 20 17



(Signature of notary public)

BIDI S. HACK
Notary Public, State of New York
No. 6093238
Rockland County
My Commission Expires June 2, 2019

Nomination Status

Name: **Status:** Canceled - PERSON IS NOT YET AUTHORIZED TO WORK IN THIS POSITION
EIS Title: **Current Step:** Processing (Step 1 of 7)
Location: **Process Description:**
Authorize to Hire Date:

Notification History

Application Process Step	Status	Date Completed	Process Date
1 Nomination Recorded	Complete	08-06-2017	
2 Processing	Complete	08-07-2017	
Background Questionnaire - Nomination	Complete	08-07-2017	
Fingerprints	Complete	08-07-2017	
Application Forms	Complete	08-07-2017	
3 Background Investigations - Nomination	Canceled	08-12-2017	
4 State Certification	Canceled	08-14-2017	
5 TIO/IO Assignment Date Requested	Not Complete	08-08-2017	
6 Final Employment	Not Complete	08-08-2017	

EX. A



NEW YORK CITY BOARD OF EDUCATION
DIVISION OF PERSONNEL
OFFICE OF APPEALS AND REVIEWS
85 Court Street, Brooklyn, New York 11201
BE/DOP 99558 (9/87) pers d1 (Replaces OP 118)

**ANNUAL PROFESSIONAL PERFORMANCE
REVIEW AND REPORT ON PROBATIONARY
SERVICE OF PEDAGOGICAL EMPLOYEE**
(OTHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SOCIAL
WORKER, PSYCHOLOGIST, EDUCATIONAL EVALUATOR, SCHOOL SECRETARY)

M AHMAD		STREET		1RK		FILE NUMBER										
BROOKLYN		NY		APT. NO.		SOCIAL SECURITY NUMBER										
11235		06 73 K500		5398												
SALARY		STATE		ZIP CODE		TENURED PROBATIONER SUBSTITUTE										
CURRENT SALARY RATE		FOR PROBATIONERS: Date of Appointment		Jerome Credit		N.Y.S. Tenure Credit (Max. 1 year)										
\$		9/2/03		2 years		Date of Completion of Probation										
SCHOOL		BOROUGH		DISTRICT		9/1/04										
LATENESS*		FIRST YEAR				SECOND YEAR				THIRD YEAR				DAYS IN C.A.R.	OR BORROWED DAYS	SUBSTITUTE SERVICE NO. OF DAYS
		TIMES NO.	TIME LOST			TIMES NO.	TIME LOST			TIMES NO.	TIME LOST					
ABSENCE*		4	4			7	7			4	4			30		5K
Exclude Non-Attendance																

* NOTE: For reports on probationers complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.

SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:

COMMENTS (as checked. "NA" indicates "Not Applicable.")		SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES				
1. Attendance and punctuality		X		
2. Personal appearance		X		
3. Voice, speech and use of English		X		
4. Professional attitude and professional growth		X		
5. Resourcefulness and initiative		X		
B. PUPIL GUIDANCE AND INSTRUCTION				
1. Effect on character and personality growth of pupils		X		
2. Control of class		X		
3. Maintenance of wholesome classroom atmosphere		X		
4. Planning and preparation of work		X		
5. Skill in adapting instruction to individual needs and capacities		X		
6. Effective use of appropriate methods and techniques		X		
7. Skill in making class lessons interesting to pupils		X		
8. Extent of pupil participation in the class and school program		X		
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude		X		
10. Attention to pupil health, safety and general welfare		X		
C. CLASSROOM OR SHOP MANAGEMENT				
1. Attention to physical conditions		X		
2. Housekeeping and appearance of room		X		
3. Care of equipment by teacher and children		X		
4. Attention to records and reports		X		
5. Attention to routine matters		X		
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES				
1. Maintenance of good relations with other teachers and with supervisors		X		
2. Effort to establish and maintain good relationships with parents		X		
3. Willingness to accept special assignments in connection with the school program		X		
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached):				
Observed by A.P.: 11/19/03, 4/15/04, 4/23/04.				
Observed by Principal: 9/11/03				
Outstanding Teacher				

Completed 9/11/04 Resigned 9/1/04

SECTION 2 - PERFORMANCE EVALUATION

OVERALL EVALUATION S, U, or D (D for first year probation only)	SIGNATURE OF PRINCIPAL (If other - give title)	ACKNOWLEDGMENT BY EMPLOYEE I have received this report on:
For the period: From 9/2/03 to 9/1/04	<i>[Signature]</i> DATE 5/14/04	05/14/04 <i>[Signature]</i> DATE SIGNATURE OF EMPLOYEE

(Complete Reverse Side for Probationary Personnel Only)

EX-B

**NEW YORK CITY PUBLIC SCHOOLS
CERTIFICATE OF COMPLETION OF PROBATION**

*Saw Original
8/24/05*

Date Completed 09/01/2004
File Number [REDACTED]

MUSHTAQ AHMAD

Upon determination that you have rendered satisfactory probationary service, the Department of Education is pleased to certify hereby that you have completed probation as of this date, under license as:

TEACHER OF CHEMISTRY AND GENERAL SCIENCE - DAY HIGH SCHOOL

This Certificate of Completion of Probation, when accompanied by a Certificate of Validation of License issued by the Office of Personnel Assessment and Licensing (OPAL), constitutes the equivalent of a Certificate of Permanent Appointment and no further certification is required.

Paul L. Klein
Chancellor

**NEW YORK CITY PUBLIC SCHOOLS
CERTIFICATE OF COMPLETION OF PROBATION**

Date Completed 09/01/2004
File Number [REDACTED]

MUSHTAQ AHMAD

Upon determination that you have rendered satisfactory probationary service, the Department of Education is pleased to certify hereby that you have completed probation as of this date, under license as:

TEACHER OF CHEMISTRY AND GENERAL SCIENCE - DAY HIGH SCHOOL

This Certificate of Completion of Probation, when accompanied by a Certificate of Validation of License issued by the Office of Personnel Assessment and Licensing (OPAL), constitutes the equivalent of a Certificate of Permanent Appointment and no further certification is required.

Paul L. Klein
Chancellor

ERCSD000024

ure https://nyc.teacherssupportnetwork.com/

ERCSD Memo in Support of Discovery southern district court 2nd Circuit Legal Research Appellate Decisions Attendance Teacher GO

Teacher Application Status

YOU HAVE BEEN MADE AN OFFER BY A SCHOOL.



Congratulations! Our records indicate that you have been made an offer to work in one of our schools.

For more information, please see your email history below.

NEW INVITATIONS Invitations which must be accepted or declined within 30 days.

There are no New Invitations at this time.

SCHEDULED EVENTS

There are no Scheduled Events at this time.

EMAIL HISTORY

From	Subject	Title	Sent
NYC DOE Office of Recruitment	Mushtaq, we look forward to meeting you at today's Citywide Teacher Hiring Fair	Teacher	Wed, 30 Aug 2017 11:30 AM
NYC DOE Office of Recruitment	Mushtaq, we look forward to meeting you at tomorrow's Citywide Teacher Hiring Fair	Teacher	Tue, 29 Aug 2017 12:30 PM
NYC DOE Office of Recruitment	Admission Ticket Attached - Citywide Teacher Hiring Fair - August 30, 2017		Mon, 21 Aug 2017 5:24 PM
NYC DOE Office of Recruitment	You're Invited, Citywide Teacher Hiring Fair on August 30	Teacher	Mon, 21 Aug 2017 5:17 PM
NYC DOE Office of Recruitment	Mushtaq, we look forward to meeting you at today's Bronx Teacher Hiring Fair	Teacher	Thu, 17 Aug 2017 11:35 AM

Pro Se About Attorneys Int

Universal Pre-Kindergarten (UPK) expansion initiative, more than 1,000 new teachers were hired into Pre-K programs in either NYCDOE schools or New York Early Childhood Centers (NYECCs).

Applicants with industry experience may be eligible to teach in a specific Career and Technical Education (CTE) title through [Transitional-A Certification](#).

EX-1

EX-D

1)

From: **M Ahmad** <nymushtaq@gmail.com>
 Date: Wed, Sep 13, 2017 at 10:41 AM
 Subject: OPI clearance
 To: "Rodi Katherine G." <krodi@schools.nyc.gov>
 Cc: Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>, Fariña Carmen <CGFarina@schools.nyc.gov>, "lydia.howrilka@gmail.com" <lydia.howrilka@gmail.com>, Francesco Portelos <mrportelos@gmail.com>, "eperez@uft.org" <eperez@uft.org>, "acarte@uft.org" <acarte@uft.org>, "dcampbell@uft.org" <dcampbell@uft.org>, hschoor@uft.org, wvelazquez@uft.org, ESchlenoff@schools.nyc.gov, Jason Goldberg <JGoldberg@uft.org>

Dear Ms. Rodi:

Good morning! In August 2017, in response to my two e-mails, Subject: Request for clearance, and removal of false information from record, you and/or your office, on your behalf, responded, via e-mails copied hereinbelow, "**There is no hold or flag on your file that prevents a principal from nominating you for a position, ---**". The 29Q327 school of NYCDOE interviewed and hired me effective September 1, 2017. The 29Q327 school properly submitted my nomination and I was hired through a proper procedure. Please see the attached screenshot.

You, instead of contacting me and scheduling an interview for OPI clearance, contacted the 29Q327 school requiring them to NOT let me enter the building because I am coming as flagged and do not have OPI clearance. You never mentioned in your emails to me that I was flagged. You have put me out of work and that is hurting me and my students' learning. I believe my students are being deprived of getting properly educated.

I am most respectfully hereby requesting a meeting with you or your designee today or tomorrow at the earliest convenience to resolve this issue ASAP.

Please make sure the response come from you not OPI info. Thank you in advance for your anticipated quick response today.

Most respectfully,
 Mushtaq Ahmad
845-304-8981

[----- Forwarded message -----]

From: **Rodi Katherine G.** <KRodi@schools.nyc.gov>
 Date: Tue, Aug 8, 2017 at 12:01 PM
 Subject: RE: Request for clearance, and removal of false information from record
 To: M Ahmad <nymushtaq@gmail.com>

Cc: Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>

Mr. Ahmad,

Please be advised that you have a discontinuance and license termination from September 2016, which is the final action in your service history.

There is no hold or flag on your file that prevents a principal from nominating you for a position, but that does not mean you have clearance. If you receive a valid job offer from a DOE school, you will then have a background review for security clearance. Once in background, you will be given an opportunity to present information about your history. Please note that unless you have been nominated for a position, your file will not be reviewed.

Thank you.

Sincerely,

Katherine Rodi]

[----- Forwarded message -----
From: **OPI INFO** <OPIINFO@schools.nyc.gov>
Date: Wed, Aug 23, 2017 at 3:45 PM

Subject: FW: Request for clearance, and removal of false information from record

To: "nymushtaq@gmail.com" <nymushtaq@gmail.com>, OPI INFO <OPIINFO@schools.nyc.gov>
Cc: Fariña Carmen <CGFarina@schools.nyc.gov>, Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, "mmulgrew@uft.org" <mmulgrew@uft.org>, "lydia.howrilka@gmail.com" <lydia.howrilka@gmail.com>, Francesco Portelos <mrportelos@gmail.com>, "eperez@uft.org" <eperez@uft.org>, "acarte@uft.org" <acarte@uft.org>, "dcampbell@uft.org" <dcampbell@uft.org>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>

Mr. Ahmad,

This has been forwarded for response.

As Ms. Rodi correctly stated, there is no 'hold or flag' on your file preventing a principal from nominating you. There is no code in the DOE systems that can actually prevent a hiring manager from entering your nomination. If the principal is having technical issues, they know where they can get support. If they have decided to not nominate you, that is their own decision. At this time, this is not an OPI issue. Please reach out to your union if you have additional questions.

Thank you,

OPI INFO]

2)

From: **Francesco Portelos** <mrportelos@gmail.com>
Date: Wed, Sep 13, 2017 at 11:24 AM
Subject: Re: OPI clearance
To: M Ahmad <nymushtaq@gmail.com>
Cc: jgoldberg@uft.org, Lydia Howrilka <lydia.howrilka@gmail.com>, acarte@uft.org, Wilma Velazquez <wvelazquez@uft.org>, eperez@uft.org, David Campbell <dcampbell@uft.org>, ESchlenoff@schools.nyc.gov, Becker Lawrence <LBecker@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, "Rodi Katherine G." <krodi@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>, Fariña Carmen <CGFarina@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Howard Schoor <hschoor@uft.org>, Bernstein Vicki <VBernst@schools.nyc.gov>, Ellie Engler <eengler@uft.org>

Ms. Rodi,

We receive countless emails like this. Edward Schlenoff indicated he isn't the director of OPI, so who is? Who is it that runs that office? Many principals want to hire discontinued teachers and OPI, along with district HR personnel, form a roadblock that leave educators without a job and students without a permanent teacher.

If OPI can't handle their cases and perform quick investigations, then perhaps they are underfunded. Maybe they should borrow some investigators from ATU.

The DOE HR department, from Larry Becker down, have caused enough harm to our students' education and staffing the last ten years.

Hoping that someone on this list can make the necessary changes to improve the staffing issues our education system has.

Francesco A. Portelos
Educator
www.EducatorFightsBack.org

UFT Solidarity
www.UFTsolidarity.org

www.mrportelos.com

"The foundation of every state is the education of its youth." -

Greek Philosopher Diogenes

3)

From: **Rodi Katherine G.** <KRodi@schools.nyc.gov>
Date: Wed, Sep 13, 2017 at 11:48 AM
Subject: RE: OPI clearance
To: M Ahmad <nymushtaq@gmail.com>
Cc: Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>, Fariña Carmen <CGFarina@schools.nyc.gov>, "lydia.howrilka@gmail.com" <lydia.howrilka@gmail.com>, Francesco Portelos <mrportelos@gmail.com>, "eperez@uft.org" <eperez@uft.org>, "acarte@uft.org" <acarte@uft.org>, "dcampbell@uft.org" <dcampbell@uft.org>, "hschoor@uft.org" <hschoor@uft.org>, "wvelazquez@uft.org" <wvelazquez@uft.org>, Schlenoff Edward <ESchlenoff@schools.nyc.gov>, Jason Goldberg <JGoldberg@uft.org>, "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, Lindsey Elaine <ELindse@schools.nyc.gov>, Myrzaly Bermet <BMyrzaly2@schools.nyc.gov>, OPI INFO <OPIINFO@schools.nyc.gov>, "Amy Arundell (AArundell@uft.org)" <AArundell@uft.org>

Mr. Ahmad,

Please be advised that you were nominated on September 6, 2017 and you completed the background questionnaire on September 7, 2017 at 4:07pm. Therefore, your investigation did not trigger with OPI until, at the earliest, Friday. The school is not authorized to have you in the building until your background check is complete and only if you are cleared. Since you have not completed the background check process, you do not have security clearance and you have not been "hired" by the DOE.

As I mentioned in my previous email, "There is no hold or flag on your file that prevents a principal from **nominating** you for a position, but that does not mean you have clearance. If you receive a valid job offer from a DOE school, **you will then have a background review** for security clearance. Once in background, you will be given an opportunity to present information about your history." [emphasis added] In addition, I reminded you of your discontinuance, which would trigger you for an investigation.

You will be contacted by an OPI investigator this week, following the normal procedure. Further inquiries should be directed to your union as this office has already outlined the process numerous times.

Thank you.

4)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Wed, Sep 13, 2017 at 12:02 PM
Subject: Re: OPI clearance
To: "Rodi Katherine G." <KRodi@schools.nyc.gov>
Cc: Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>, Fariña Carmen <CGFarina@schools.nyc.gov>, "lydia.howrilka@gmail.com" <lydia.howrilka@gmail.com>, Francesco Portelos <mrportelos@gmail.com>, "eperez@uft.org" <eperez@uft.org>, "acarte@uft.org" <acarte@uft.org>, "dcampbell@uft.org" <dcampbell@uft.org>, "hschoor@uft.org" <hschoor@uft.org>, "wvelazquez@uft.org" <wvelazquez@uft.org>, Schlenoff Edward <ESchlenoff@schools.nyc.gov>, Jason Goldberg <JGoldberg@uft.org>, "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, Lindsey Elaine <ELindse@schools.nyc.gov>, Myrzaly Bermet <BMyrzaly2@schools.nyc.gov>, OPI INFO <OPIINFO@schools.nyc.gov>, "Amy Arundell (AArundell@uft.org)" <AArundell@uft.org>

Ms. Rodi:

For the correction of record, the Assistant Principal of the 29Q327 school of NYCDOE made a job offer and I accepted it on Friday, September 1, 2017 and, per the prevailing laws, we went into contract effective that date and time. Furthermore, the attached screenshot of NYCDOE's website shows "hired by school".

Thank you for your quick response.

Respectfully,
Mushtaq Ahmad

5)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Fri, Sep 15, 2017 at 3:22 PM
Subject: Re: OPI clearance
To: "Rodi Katherine G." <KRodi@schools.nyc.gov>
Cc: Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Fariña Carmen <CGFarina@schools.nyc.gov>, Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Schlenoff Edward <ESchlenoff@schools.nyc.gov>, Lindsey Elaine <ELindse@schools.nyc.gov>, Myrzaly Bermet

<BMyrzaly2@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>, "eperez@uft.org" <eperez@uft.org>, "acarte@uft.org" <acarte@uft.org>, "dcampbell@uft.org" <dcampbell@uft.org>, "hschoor@uft.org" <hschoor@uft.org>, "wvelazquez@uft.org" <wvelazquez@uft.org>, Jason Goldberg <JGoldberg@uft.org>, "Amy Arundell (AArundell@uft.org)" <AArundell@uft.org>, OPI INFO <OPIINFO@schools.nyc.gov>, "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>

Dear Ms. Rodi:

On September 13, 2017, In your email to me you wrote, ["You will be contacted by an OPI investigator this week, following the normal procedure."] However, by this time and minute, no one from OPI has contacted me. Please advise someone from OPI to contact me today before the close of the business day.

Please also provide the organizational chart of OPI and the e-mail addresses and phone numbers of everyone on the organizational chart of OPI, so I can contact the right person in timely fashion. Thank you!

Respectfully,
Mushtaq Ahmad
845-304-8981

6)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Thu, Sep 14, 2017 at 3:52 PM
Subject: You are held to an extremely high standard of performance and ethics
To: "Rodi Katherine G." <krodi@schools.nyc.gov>
Cc: Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Fariña Carmen <CGFarina@schools.nyc.gov>, Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Schlenoff Edward <ESchlenoff@schools.nyc.gov>, Lindsey Elaine <ELindse@schools.nyc.gov>, Myrzaly Bermet <BMyrzaly2@schools.nyc.gov>, OPI INFO <OPIINFO@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>, "wvelazquez@uft.org" <wvelazquez@uft.org>, Michael Mulgrew <Mmulgrew@uft.org>, "Amy Arundell (AArundell@uft.org)" <AArundell@uft.org>, Howard Schoor <hschoor@uft.org>, Jason Goldberg <JGoldberg@uft.org>, David Campbell <dcampbell@uft.org>, Elizabeth Perez <eperez@uft.org>, Andrea Carte <acarte@uft.org>

Dear Ms. Rodi:

You are hereby, most respectfully, reminded that you have an attorney license, working in NYCDOE's OPI department and you are held to an extremely high standard of performance and ethics according to the attached document from Unified Court System.

You are required to treat all people professionally and equally, without any prejudice and according to the laws of the land. You are not allowed to give preferential treatment to anyone based on some one's race, color, gender, religion, national origin, marital status, financial status, etc,

It is illegal and against the NYC, NYS and Federal laws that prohibit discrimination to retaliate against the protected classes.

The people who has filed discrimination charge/cases or have participated in discrimination cases also falls under protected classes. You, your subordinates or anyone from OPI is not allowed by EEOC's laws to retaliate against the protected classes in way or shape of form.

The purpose of this e-mail is only to remind you and your office the legal obligations they have. Thank you!

Respectfully,
Mushtaq Ahmad
845-304-8981

7)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Fri, Sep 15, 2017 at 11:09 AM
Subject: Contradictory, harming, unfair, unjust business practice of OPI of NYCDOE
To: "Rodi Katherine G." <krodi@schools.nyc.gov>
Cc: Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Fariña Carmen <CGFarina@schools.nyc.gov>, Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Schlenoff Edward <ESchlenoff@schools.nyc.gov>, Lindsey Elaine <ELindse@schools.nyc.gov>, Myrzaly Bermet <BMyrzaly2@schools.nyc.gov>, OPI INFO <OPIINFO@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>, "wvelazquez@uft.org" <wvelazquez@uft.org>, "Amy Arundell (AARundell@uft.org)"

<AArundell@uft.org>, Howard Schoor <hschoor@uft.org>, Jason Goldberg <JGoldberg@uft.org>, Elizabeth Perez <eperez@uft.org>, Andrea Carte <acarte@uft.org>, Debra Poulos <DPoulos@uft.org>, Robert Levine <RLevine1@uft.org>, Andree Gilmer <AGilmer@uft.org>, James Duncan <JDuncan@uft.org>, David Campbell <dcampbell@uft.org>, Edward Kennedy <EKennedy@uft.org>, M Ahmad <nymushtaq@gmail.com>

Dear Ms. Rodi:

Good morning: In all three e-mails from you to me, you stated, **"There is no hold or flag on your file that prevents a principal from nominating you for a position, ---"**. Furthermore, on July 5, 2017, via an e-mail from TeachNYC2@schools.nyc.gov, I was informed of the following, ["Congratulations! Based on the quality of your Online Teacher Application, we have added you to the NYC Department of Education's New Teacher Finder candidate network. ---"]

At the invitation of NYCDOE, I attended Citywide job fairs, met many school administrators, interviewed with many of them and I was also invited to in-person interviews, which happened in-facts inside/within the NYCDOE's school buildings. Furthermore, the administration of 29Q327 school of NYCDOE interviewed me inside the building of their school, hired me effective September 1, 2017. Due to the Labor-Day weekend I reported to work on September 5, 2017, which was again inside the building of 29Q327 school of NYCDOE. I continued to go into that 29Q327 school building every school day from September 5 through September 11, 2017. However, on September 12, 2017, you directed the administration of 29Q327 school NOT to let me (Mushtaq Ahmad) into the building because I did not have clearance from OPI.

Here are some of my questions and concerns that need your immediate attention and response because it is hurting and harming not only me, but also my students and many other who are put in the same situation by OPI.

Q.1- Do you consider my entries/admissions into the NYCDOE's school buildings, of course in the presence of students and other school staff, after approximately one week of my hiring and performing my professional duties in 29Q327, unsafe?

Q.2- Why my application was moved to New Teacher Finder if I did not have had the clearance?

Q.3- Why and how I had the clearance to apply for the jobs through Open Market?

Q.4- Why was I invited and allowed to attend the Citywide Job fairs if I did not have had the clearance?

Q.5- Why were my entries/admissions into the NYCDOE's school buildings and the Citywide job fairs considered safe back then?

Q.6- Why did you consider/believe my entry/admission into the building of 29Q327 NYCDOE's school unsafe (no security clearance) on September 12, 2017 when I was hired there as a chemistry/science teacher and doing my professional duties diligently?

Q.7- If my entries/admissions into the NYCDOE's school buildings, of course in the presence of students and other school staff, were safe for interviews then why did my

entry/admission into the school building become unsafe after approximately one week of my hiring and performing my professional duties in 29Q327?

Q.8- If my entries/admission into the NYCDOE's school buildings were safe before; for job interviews and job fairs, then why do you believe my entries/admissions into NYCDOE's school building where I am hired at are presently unsafe?

Q.9- Do you consider my entries/admissions into the NYCDOE's school buildings, of course in the presence of students and other school staff, after approximately one week of my hiring and performing my professional duties in 29Q327, unsafe on the basis of my Muslim Name, (Ahmad) or there is some other reason?

Q.10- Why and how are your actions [directing the administration of 29Q327 NOT to let me in the building] not contradictory to your own statement, "**There is no hold or flag on your file that prevents a principal from nominating you for a position, ---**"? I believe you knew that my job interviews would take place inside the school buildings.

Q.11- Why and how are your actions [directing the administration of 29Q327 NOT to let me in the building] not hurting and harming me and my students' learning when you knew that I was hired, assigned to teach five (5) classes and doing my job with full enthusiasm and dedication?

If you are not retaliating or discriminating against me, and are only following some kind of NYCDOE's policy or Chancellor's regulation, then that policy and or Chancellor's regulation, [which is contradictory, harming, unfair, unjust business practice],[emphasis added], need to be reviewed and amended to the benefits of our students, staff, teachers, parents and the communities living in five (5) Boroughs of New York.

Thank you very much in an anticipation of addressing the concerns mentioned hereinabove and ASAP alleviating the hurt and harm done to me.

Respectfully,
Mushtaq Ahmad
845-304-8981

Ex. E

1)

From: **Macklin Carmel (29Q327)** <CMacklin@schools.nyc.gov>
Date: Wed, Aug 30, 2017 at 9:47 AM
Subject: High School Science Position
To: "cmacklin@eaglequeens.org" <cmacklin@eaglequeens.org>

Good Evening Science Educators,

I am the Assistant Principal at the Eagle Academy for Young Men of Southeast Queens (29Q327). Currently we are in need of a High School Science teacher, preferably with a concentration in Earth Science and Chemistry. If you are interested in applying for the position please reply with a confirmation email, a resume attached along with a time frame on Friday in which you are available to interview. I will respond with a confirmation email and date and time of your interview on Friday. Thank you. I look forward to hearing from you soon.

With Warm Regards,
Carmel Renee Macklin, Assistant Principal
The Eagle Academy for Young Men Queens
646-543-7262

"Do not go where the path may lead, go instead where there is no path and leave a trail" Ralph Waldo Emerson

2)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Wed, Aug 30, 2017 at 10:08 AM
Subject: Re: High School Science Position
To: "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>
Cc: "cmacklin@eaglequeens.org" <cmacklin@eaglequeens.org>

Dear Carmel Renee Macklin:

Good morning! Please find attached my resume for a science/chemistry teacher position in your school and you can find more information about me in the "New Teacher Finder".

Please also note that in 2016, I was discontinued from a NYCDOE's school in Brooklyn; where I was only for one year and was the first and the last chemistry teacher because in 2017 NYCDOE closed down that school, which was known as School of Democracy and Leadership (SDL).

Please further note that there is no hold/block or red flag on my file or name per e-mail from Office of personnel investigation (OPI) copied hereinbelow.

----- Forwarded message -----

From: **OPI INFO** <OPIINFO@schools.nyc.gov>
Date: Wed, Aug 23, 2017 at 3:45 PM

Subject: FW: Request for clearance, and removal of false information from record

To: "nymushtaq@gmail.com" <nymushtaq@gmail.com>, OPI INFO <OPIINFO@schools.nyc.gov>
Cc: Fariña Carmen <CGFarina@schools.nyc.gov>, Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, "mmulgrew@uft.org" <mmulgrew@uft.org>, "lydia.howrillka@gmail.com" <lydia.howrillka@gmail.com>, Francesco Portelos <mrportelos@gmail.com>, "eperez@uft.org" <eperez@uft.org>, "acarte@uft.org" <acarte@uft.org>, "dcampbell@uft.org" <dcampbell@uft.org>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>

Mr. Ahmad,
This has been forwarded for response.

As Ms. Rodi correctly stated, there is no 'hold or flag' on your file preventing a principal from nominating you. There is no code in the DOE systems that can actually prevent a hiring manager from entering your nomination. If the principal is having technical issues, they know where they can get support. If they have decided to not nominate you, that is their own decision. At this time, this is not an OPI issue. Please reach out to your union if you have additional questions.

Thank you,
OPI INFO

Please consult with your principal about my situation to find out whether be interested in nominating and hiring a discontinued teacher and then confirm my interview appointment for Friday anytime after 1:00 PM. Thank you!

Respectfully,
Mushtaq Ahmad
845-304-8981

3)

From: **Macklin Carmel (29Q327)** <CMacklin@schools.nyc.gov>
Date: Wed, Aug 30, 2017 at 10:54 AM
Subject: Re: High School Science Position
To: M Ahmad <nymushtaq@gmail.com>

Hello Ms. Ahmad,

Are you available to come in for an interview this Friday at 10am? Please reply to confirm.

With Warm Regards,
Carmel Renee Macklin, Assistant Principal
The Eagle Academy for Young Men Queens
646-543-7262

"Do not go where the path may lead, go instead where there is no path and leave a trail" Ralph Waldo Emerson

4)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Wed, Aug 30, 2017 at 11:15 AM
Subject: Re: High School Science Position
To: "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>

Dear Carmel Renee Macklin:

Yes, I will come in for an in-person interview at 10:00 AM on Friday, September 1, 2017. Thank you for the invitation. See you then!

Respectfully,
Mushtaq Ahmad
845-304-8981

5)

From: **Macklin Carmel (29Q327)** <CMacklin@schools.nyc.gov>
Date: Wed, Aug 30, 2017 at 11:27 AM
Subject: Re: High School Science Position
To: M Ahmad <nymushtaq@gmail.com>
Cc: "cedhall@gmail.com" <cedhall@gmail.com>

Great you are confirmed for Friday at 10:00am.

With Warm Regards,
Carmel Renee Macklin, Assistant Principal
The Eagle Academy for Young Men Queens
646-543-7262

"Do not go where the path may lead, go instead where there is no path and leave a trail" Ralph Waldo Emerson

6)

From: **Macklin Carmel (29Q327)** <CMacklin@schools.nyc.gov>
Date: Wed, Aug 30, 2017 at 12:03 PM
Subject: Re: High School Science Position
To: M Ahmad <nymushtaq@gmail.com>

Please bring a copy of a Science lesson plan. Thank you.

With Warm Regards,
Carmel Renee Macklin, Assistant Principal
The Eagle Academy for Young Men Queens
646-543-7262

"Do not go where the path may lead, go instead where there is no path and leave a trail" Ralph Waldo Emerson

7)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Fri, Sep 1, 2017 at 4:30 PM
Subject: Re: High School Science Position
To: "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>

Dear Ms. Macklin:

Thank you very much for interviewing me today around 10:00 AM and then offering me a position of a science teacher responsible to teach chemistry and biology (Living Environment). When you called me around 1:04 PM to offer the position, I ran short of words to thank you enough because I was driving my car and was full of excitement. Thank you and thank you!!!

I am very excited to start working under your leadership starting on Tuesday, September 5, 2017 at 8:00 AM, per your given time.

Please let me know if I could be of any help before coming to school on September 5, 2017. Once again, thank you and please convey my appreciation and thanks to the other administrator as well.

Most respectfully,
Mushtaq Ahmad
845-304-8981

8)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Tue, Sep 12, 2017 at 7:21 PM
Subject: Re: High School Science Position
To: "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>
Cc: Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>, Andrea Carte <ACarte@uft.org>, Elizabeth Perez <EPerez@uft.org>, Jason Goldberg <JGoldberg@uft.org>, "Rodri Katherine G." <krodi@schools.nyc.gov>

Dear Ms. Macklin:

Thank you very much for your telephone call, today on September 12, 2017 at around 5:24 pm, to let me know that you (Ms. Macklin) received an e-mail from Katherine Rodi telling you that I (Mushtaq Ahmad) do not have finger print clearance, coming as flagged and cannot enter the school buildings. In response to my questions, you directed me not to come to school starting tomorrow, forward you the e-mails I received directly from Ms. Rodi, and so on so forth, etc.

Please find below the copies of the two e-mails I received from Ms. Rodi. In both of the e-mails it is clearly stated that **["There is no hold or flag on your file that prevents a principal from nominating you for a position"]**. And that is exactly what I told you at the interview and also in some of my previous e-mails. Furthermore, you know that my application was in NYCDOE's "New Teacher Finder".

I accepted the job offer on September 1, 2017 to work under your leadership at 29Q327 and has been diligently working at my job at 29Q327. However, today you directed me not to come in until OPI/ Ms. Rodi's office provides clearance. I hope Ms. Rodi will expedite the process for my clearance.

Thank you!

Most Respectfully,
Mushtaq Ahmad
845-304-8981

[----- Forwarded message -----]

From: **Rodi Katherine G.** <KRodi@schools.nyc.gov>

Date: Tue, Aug 8, 2017 at 12:01 PM

Subject: RE: Request for clearance, and removal of false information from record

To: M Ahmad <nymushtaq@gmail.com>

Cc: Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, Michael Mulgrew <Mmulgrew@uft.org>

Mr. Ahmad,

Please be advised that you have a discontinuance and license termination from September 2016, which is the final action in your service history.

There is no hold or flag on your file that prevents a principal from nominating you for a position, but that does not mean you have clearance. If you receive a valid job offer from a DOE school, you will then have a background review for security clearance. Once in background, you will be given an opportunity to present information about your history. Please note that unless you have been nominated for a position, your file will not be reviewed.

Thank you.

Sincerely,

Katherine Rodi]

[----- Forwarded message -----
From: **OPI INFO** <OPIINFO@schools.nyc.gov>
Date: Wed, Aug 23, 2017 at 3:45 PM

Subject: FW: Request for clearance, and removal of false information from record

To: "nymushtaq@gmail.com" <nymushtaq@gmail.com>, OPI INFO <OPIINFO@schools.nyc.gov>
Cc: Fariña Carmen <CGFarina@schools.nyc.gov>, Becker Lawrence <L.Becker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, "mmulgrew@uft.org" <mmulgrew@uft.org>, "lydia.howrilka@gmail.com" <lydia.howrilka@gmail.com>, Francesco Portelos <mrportelos@gmail.com>, "eperez@uft.org" <eperez@uft.org>, "acarte@uft.org" <acarte@uft.org>, "dcampbell@uft.org" <dcampbell@uft.org>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>

Mr. Ahmad,

This has been forwarded for response.

As Ms. Rodi correctly stated, there is no 'hold or flag' on your file preventing a principal from nominating you. There is no code in the DOE systems that can actually prevent a hiring manager from entering your nomination. If the principal is having technical issues, they know where they can get support. If they have decided to not nominate you, that is their own decision. At this time, this is not an OPI issue. Please reach out to your union if you have additional questions.

Thank you,
OPI INFO

1

EX-18

You have been nominated for a position with the NYCDOE (IMMEDIATE ACTION REQUIRED)

NYCDOEhumanresources@schools.nyc.gov

Wed 9/6/2017 5:23 PM

To: Ahmad Mushtaq <MAhmad@schools.nyc.gov>;

Dear Ahmad, Mushtaq:

Congratulations!

You have been nominated for a position as a TRTRQ - TEACHER - REGULAR GRADES at 29Q327 - Eagle Academy III.

This nomination for employment is contingent upon the results of pre-employment screening including fingerprinting and a background investigation, and on your possession of the required New York State and New York City professional credentials. Please complete your required forms immediately. Failure to complete pre-employment forms may cause a delay in your start date and/or the receipt of your first paycheck.

There are several tasks you will need to complete in order to finish the hiring process and begin work. Read about these tasks at the DOE's web page for new employees: schools.nyc.gov/employees/new.

As a brief summary, before you can begin work, you must:

- 1) Log into the DOE's [Applicant Gateway system](#) and complete all required forms
- 2) Visit the HR Connect walk-in center to be fingerprinted (unless you have already been fingerprinted for the NYCDOE) and verify your I-9
- 3) Receive clearance based on your fingerprints and background check
- 4) Be cleared by our automated certification check process

For information about using the Applicant Gateway, and about each of the steps you must take in order to complete the hiring process, visit schools.nyc.gov/employees/new.

After you have successfully completed all tasks and been cleared to begin work, you will receive a welcome email with information about your next steps.

Log into the Applicant Gateway here: <http://bit.ly/1FwJGg>

All nominated candidates MUST submit a job application in the Teacher Support Network system before being finalized on payroll. If you have not submitted an application, please do so immediately. Teacher applicants must begin here <http://bit.ly/1DJspfi>. All other candidates must submit an application here <http://bit.ly/1Lmi9OS>.

Once again, congratulations on your nomination and welcome to the New York City Department of Education!

Sincerely,

The Division of Human Resources
New York City Department of Education

Ex. G

1)

From: **Tinkle Seth** <STinkle@schools.nyc.gov>

Date: Mon, Sep 18, 2017 at 4:40 PM

Subject: NYC DOE- TIME SENSITIVE: SECURITY CLEARANCE - BACKGROUND INVESTIGATION

To: "nymushtaq@gmail.com" <nymushtaq@gmail.com>

PLEASE NOTE YOU ARE NOT PERMITTED TO WORK IN ANY POSITION FOR THE NYCDOE OR ONE OF ITS VENDORS WITHOUT THE REQUIRED SECURITY CLEARANCE FROM THIS OFFICE.

Mr. Ahmad,

My name is Seth Tinkle and I have been assigned as your Investigator. As part of your application for security clearance to work in a new position with the New York City Department of Education or one of its contracted vendors, **please complete the attached Employment History Form and Release Authorization Form and send back**; the C-105 regulation is for informational purposes.

Feel free to provide me with any employment verification letters for recent/current employment and/or letters of recommendation or references that you would like considered during this investigation.

Please send this material and any other response to Stinkle@schools.nyc.gov or by Fax: [718-935-4366](tel:718-935-4366).

Alternatively, you can drop them off in person at:

NYC Department of Education
Office of Personnel Investigation
65 Court Street, Room 200
Brooklyn, NY 11201

***PLEASE SUBMIT THE REQUESTED DOCUMENTS ASAP;
THE DEADLINE TO SUBMIT ALL OF THE REQUESTED
INFORMATION FOR THIS APPLICATION IS September 25,
2017.**

PLEASE NOTE YOU ARE NOT PERMITTED TO WORK IN ANY POSITION FOR THE NYCDOE OR ONE OF ITS VENDORS WITHOUT THE REQUIRED SECURITY CLEARANCE FROM THIS OFFICE.

Thank you for your cooperation.

Best,

Seth Tinkle

Investigator

Division of Human Resources

New York City Department of Education

65 Court Street Room 200

Brooklyn, NY 11201

F- (718) 935-4366/5778

Confidentiality Notice

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2)

From: **M Ahmad** <nymushtaq@gmail.com>

Date: Mon, Sep 18, 2017 at 4:51 PM

Subject: Re: NYC DOE- TIME SENSITIVE: SECURITY CLEARANCE - BACKGROUND INVESTIGATION

To: Tinkle Seth <STinkle@schools.nyc.gov>

Dear Mr. Tinkle:

Good afternoon: In August 2015, when I was nominated by the Principal of School of Democracy and Leadership (SDL), which NYCDOE closed down in 2017, you conducted my background investigation and granted clearance. Do you want me to submit or resubmit, once again, the documentation I submitted to you in 2015?

Thank you!

Respectfully,
Mushtaq Ahmad

845-304-8981

3)

From: **Tinkle Seth** <STinkle@schools.nyc.gov>

Date: Mon, Sep 18, 2017 at 4:57 PM

Subject: RE: NYC DOE- TIME SENSITIVE: SECURITY CLEARANCE - BACKGROUND INVESTIGATION

To: M Ahmad <nymushtaq@gmail.com>

Dear Mr. Ahmad,

Yes, given that your previous investigation occurred roughly two years ago, the circumstances have changed, and a new investigation is required. As such, we need you to submit an updated Release Authorization with a current date, as well as an updated Employment History form that includes your employment during the past two years. I look forward to receiving these requested documents at your earliest convenience. Thank you for your attention to this matter.

Best,

Seth Tinkle
Investigator
Division of Human Resources
New York City Department of Education
65 Court Street Room 200
Brooklyn, NY 11201
F- (718) 935 4366/5778

4)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Tue, Sep 19, 2017 at 11:04 AM
Subject: Re: NYC DOE- TIME SENSITIVE: SECURITY CLEARANCE - BACKGROUND INVESTIGATION
To: Tinkle Seth <STinkle@schools.nyc.gov>

Dear Mr. Tinkle:

Please find attached duly signed "Release Authorization For Background Investigation" and completed "Employment History" Form. Please let me know, if I could be of any help to expedite the process for my OPI clearance. Thank you!

Respectfully,
Mushtaq Ahmad
845-304-8981

5)

From: **Tinkle Seth** <STinkle@schools.nyc.gov>
Date: Tue, Sep 19, 2017 at 4:48 PM
Subject: RE: NYC DOE- TIME SENSITIVE: SECURITY CLEARANCE - BACKGROUND INVESTIGATION
To: M Ahmad <nymushtaq@gmail.com>

Dear Mr. Ahmad,

Thank you for submitting the requested documentation to my attention. Unfortunately, I have been informed that your nomination for a teaching position at 29Q327 has been rescinded. OPI does not conduct security clearance investigations without a current employment offer because security clearance is position-specific. As such, based on the fact that your nomination has been rescinded, your background investigation will be administratively closed, with no determination made. Your security clearance will be reviewed if you receive a new employment offer from the DOE or a DOE vendor. I will be sending you a letter in the mail to confirm this information. If you have any additional questions regarding DOE security clearance, please feel free to reach out to OPIinfo@schools.nyc.gov.

Best,

Seth Tinkle
Investigator
Division of Human Resources
New York City Department of Education
[65 Court Street Room 200](#)
[Brooklyn, NY 11201](#)
F- (718) 935-4366/5778

6)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Tue, Sep 19, 2017 at 5:12 PM
Subject: Re: NYC DOE- TIME SENSITIVE: SECURITY CLEARANCE - BACKGROUND INVESTIGATION
To: Tinkle Seth <STinkle@schools.nyc.gov>

Dear Mr. Tinkle:

In addition to sending you the documentation via e-mail at around 11:04 AM today, I came down to your OPI office, located in room 200 at 65 Court street Brooklyn and hand-delivered the original documents in-person at around 1:20 PM. I hope you received those documents as well.

After receiving all the documents, you requested for OPI clearance, via e-mail and in person before or by 1:20 PM, you sent an e-mail to me at 4:48 PM today, to inform me that my teaching position at 29Q327 has been rescinded.

No one else, except your e-mail, in any way, shape or form has informed me that my teaching position at 29Q327 has been rescinded. Your e-mail is the first information in this regard.

I hereby reserve my all rights to pursue legal actions. Thank you

Respectfully,
Mushtaq Ahmad
[845-304-8981](tel:845-304-8981)

EX. H



Department of
Education

THE NEW YORK CITY DEPARTMENT OF EDUCATION

Carmen Fariña, *Chancellor*

Division of Human Resources
Office of Personnel Investigation

September 20, 2017

Mushtaq Ahmad
10 Parliament Drive
New City, NY 10956

Title/Lic.: Teacher/29Q327
Applicant ID: 0863236
PRP# 58,496

Dear Mr. Ahmad,

Your name was recently submitted to the Office of Personnel Investigation (OPI) for security clearance to work as a Teacher at the NYC DOE School, 29Q327. Please be advised that OPI has been informed that your employment offer has been rescinded. As such, your case is now closed, and no security clearance determination has been made.

OPI does not conduct security clearance investigations without a current employment offer. Your security clearance will be reviewed if you receive a new employment offer from the DOE or a DOE vendor.

Sincerely,

The Office of Personnel Investigation
Division of Human Resources
NYC Department of Education

cc: File

Ex. 1

1)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Wed, Sep 20, 2017 at 9:28 AM
Subject: OPI Clearance and Rescinding of Teaching Position
To: "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>

Dear Mr. Hall Cedric (Principal 29Q327) :
Dear Ms. Macklin Carmel (Assistant Principal 29Q327):

Good morning!

On September 18, 2017, Mr. Seth Tinkle from OPI contacted me via e-mail and requested to complete the attached "Release Authorization For Background Investigation" and "Employment History" Form and return to him at my earliest convenience.

In addition to sending the requested documentation via e-mail at around 11:04 AM yesterday (9/19/2017), I went down to OPI office, located in room 200 at 65 Court Street Brooklyn and hand-delivered the original documents in-person at around 1:20 PM.

After receiving, via e-mail and in-person before or by 1:20 PM yesterday (9/19/2017), all the documents requested by Mr. Tinkle for OPI clearance, Mr. Tinkle sent me an e-mail at around 4:48 PM to inform me that my teaching position at 29Q327 has been rescinded and OPI's investigation for OPI clearance has also been closed because I do not have a valid job offer now.

My interactions with both of you have been positive and I most respectfully want you to answer the following questions ASAP.

1. Is it true that my teaching position at 29Q327 has been rescinded?
2. If my teaching position at 29Q327 has been rescinded then why?
3. If my teaching position at 29Q327 has been rescinded, then who did it (rescinding)?
4. If my teaching position at 29Q327 has been rescinded, then who directed to do that? Please provide person's name, office designation and address, and also that person's e-mail address.
5. When Ms. Macklin, after interviewing me on September 1, 2017 around 10:00 AM made me the job offer via telephone around 1:04 PM and I accepted the job offer for the position of a science teacher at 29D327, per the prevailing laws, we went into contract effective that date and time. Furthermore, the attached screenshot of NYCDOE's website shows "hired by school". After my hiring by 29Q327 school of NYCDOE, I was taken out of the applicants' pool in "New Teacher Finder" and I was no more allowed to search and apply to any other available teaching vacancy in NYCDOE system. From September 1, 2017 through September 11, 2017, every school day, in obedience to your orders/directives, I came to your 29Q327 school; performed my professional duties assigned to me; taught 5 classes I was assigned to; even on September 11, 2017 Mr. Hall gave me a key to room 304 (chemicals storage room) to bring that room into compliance; one day later when Ms. Macklin called me, pursuant to Ms. Katherine Rodi's directive on September 12, 2017 to direct me not to come to school starting the next day until clearance from OPI, she said, "we want you back in the classroom

as soon as possible". I know you and the students of 29Q327 need me. Please let me know who and what caused you to rescind my teaching job?

6. If my teaching position at 29Q327 has been rescinded then are you legally allowed to do that after making me work in your school from September 1, 2017 through September 11, 2017, every school day, in obedience to your orders/directives?
7. If my teaching position at 29Q327 has been rescinded by you then why did you wait to rescind it when OPI had started the clearance process?
8. If my teaching position at 29Q327 has been rescinded by you after OPI had started the clearance process, then why should it not be taken as malafide intent to stop and close the background investigation for clearance from OPI?
9. If my teaching position at 29Q327 has been rescinded by you then how are your actions not harming and damaging my career, have had caused and has been causing different types of stresses and financial burden?
10. If my teaching position at 29Q327 has been rescinded by you then why are you not held responsible for depriving me of not only a teaching job but also becoming a cause of not letting me get a job somewhere else because the hiring season is almost over and all of the forgoing, mentioned hereinabove?

In light of the above, I respectfully, request that you carefully reconsider your decision for rescinding my teaching position and let the OPI do background investigation for the so- called fingerprints clearance. Thank you very much in advance for your anticipated cooperation and reconsideration.

Respectfully,
Mushtaq Ahmad
845-708-5837

2)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Wed, Sep 20, 2017 at 9:43 AM
Subject: Fwd: OPI Clearance and Rescinding of Teaching Position
To: "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>

Please note the correction in paragraph 5 - replace 29D327 with 29Q327 and read as "29Q327". Thank you!

3)

From: **M Ahmad** <nymushtaq@gmail.com>
 Date: Wed, Sep 20, 2017 at 8:15 PM
 Subject: Re: OPI Clearance and Rescinding of Teaching Position
 To: "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>

Dear Mr. Hall:
 Dear Ms. Macklin:

Hello, peace, shalom, salaam! I noticed that today a science teacher opening at your school has been posted in NYCDOE's online system.

6251	QU04	77	Queens	Q327 - Eagle Academy for Young Men III	Secondary School	Teacher	SCIENCE - GENFRAI SCIENCE
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Please nominate me again and let the OPI do background check for my employment clearance. Thank you!

Respectfully,
 Mushtaq Ahmad
 845-304-8981

4)

From: **M Ahmad** <nymushtaq@gmail.com>
 Date: Tue, Sep 26, 2017 at 9:00 AM
 Subject: Re: OPI Clearance and Rescinding of Teaching Position
 To: "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>
 Cc: "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>, Adam Ross <aross@uft.org>, Michael Mulgrew <Mmulgrew@uft.org>, Andrea Carte <ACarte@uft.org>, Elizabeth Perez <EPerez@uft.org>, Jason Goldberg <JGoldberg@uft.org>, James Duncan <JDuncan@uft.org>, Robert Levine <RLevine1@uft.org>

Dear Mr. Hall:

Good morning, peace, shalom, salaam!

I respectfully sent you three e-mails, [on Wed, Sep 20, 2017 at 9:28 AM; Wed, Sep 20, 2017 at 9:43 AM and Wed, Sep 20, 2017 at 8:15 PM] and made numerous requests/inquiries including but not limited to

[

1. Is it true that my teaching position at 29Q327 has been rescinded?
2. If my teaching position at 29Q327 has been rescinded then why?
3. If my teaching position at 29Q327 has been rescinded, then who did it (rescinding)?
4. If my teaching position at 29Q327 has been rescinded, then who directed to do that? Please provide person's name, office designation and address, and also that person's e-mail address.
5. When Ms. Macklin, after interviewing me on September 1, 2017 around 10:00 AM made me the job offer via telephone around 1:04 PM and I accepted the job offer for the position of a science teacher at 29D327, per the prevailing laws, we went into contract effective that date and time. Furthermore, the attached screenshot of NYCDOE's website shows "hired by school". After my hiring by 29Q327 school of NYCDOE, I was taken out of the applicants' pool in "New Teacher Finder" and I was no more allowed to search and apply to any other available teaching vacancy in NYCDOE system. From September 1, 2017 through September 11, 2017, every school day, in obedience to your orders/directives, I came to your 29Q327 school; performed my professional duties assigned to me; taught 5 classes I was assigned to; even on September 11, 2017 Mr. Hall gave me a key to room 304 (chemicals storage room) to bring that room into compliance; one day later when Ms. Macklin called me, pursuant to Ms. Katherine Rodi's directive on September 12, 2017 to direct me not to come to school starting the next day until clearance from OPI, she said, "we want you back in the classroom as soon as possible". I know you and the students of 29Q327 need me. Please let me know who and what caused you to rescind my teaching job?
6. If my teaching position at 29Q327 has been rescinded then are you legally allowed to do that after making me work in your school from September 1, 2017 through September 11, 2017, every school day, in obedience to your orders/directives?
7. If my teaching position at 29Q327 has been rescinded by you then why did you wait to rescind it when OPI had started the clearance process?
8. If my teaching position at 29Q327 has been rescinded by you after OPI had started the clearance process, then why should it not be taken as malafide intent to stop and close the background investigation for clearance from OPI?
9. If my teaching position at 29Q327 has been rescinded by you then how are your actions not harming and damaging my career, have had caused and has been causing different types of stresses and financial burden?
10. If my teaching position at 29Q327 has been rescinded by you then why are you not held responsible for depriving me of not only a teaching job but also becoming a cause of not letting me get a job somewhere else because the hiring season is almost over and all of the forgoing, mentioned hereinabove?

]

[

Dear Mr. Hall:

Dear Ms. Macklin:

Hello, peace, shalom, salaam! I noticed that today a science teacher opening at your school has been posted in NYCDOE's online system.

6251	QU04	77	Queens	Q327 - Eagle Academy for Young Men III	Secondary School	Teacher	SCIENCE - GENERAL SCIENCE
------	------	----	--------	---	------------------	---------	---------------------------

Please nominate me again and let the OPI do background check for my employment clearance. Thank you!

]

However, to this date and time I have not received any response from you or Ms. Macklin.

I hereby most respectfully ask you sir to inform me, via e-mail, of the rational, factual basis or reasonable justification for withdrawing my nomination when OPI had started the process of doing background check and providing clearance, and Ms. Macklin had told me, via telephone call on September 12, 2017, to the effect that we (the school administration) want you back in the classroom as soon as possible and we (the school administration) were told by NYCDOE that you (Mushtaq Ahmad) will be in the system as hired starting September 11, 2017.

Thank you in advance for your anticipated quick and immediate response today.

Respectfully,
Mushtaq Ahmad
845-304-8981

5)

From: **M Ahmad** <nymushtaq@gmail.com>
Date: Fri, Sep 29, 2017 at 10:20 AM
Subject: Additional Requests
To: "Hall Cedric (29Q327)" <CHall25@schools.nyc.gov>, "Macklin Carmel (29Q327)" <CMacklin@schools.nyc.gov>
Cc: "Rodi Katherine G." <krodi@schools.nyc.gov>, Fariña Carmen <CGFarina@schools.nyc.gov>, Chancellor Carmen Fariña <NYCChancellor@schools.nyc.gov>, rursulina@schools.nyc.gov, Adam Ross <aross@uft.org>, Michael Mulgrew <Mmulgrew@uft.org>, Becker Lawrence <LBecker@schools.nyc.gov>, Ianniello Peter <Plannie@schools.nyc.gov>, Bernstein Vicki <VBernst@schools.nyc.gov>, Schlenoff Edward <ESchlenoff@schools.nyc.gov>, Lindsey Elaine <ELindse@schools.nyc.gov>, Myrzaly Bermet <BMyrzaly2@schools.nyc.gov>, OPI INFO <OPIINFO@schools.nyc.gov>, Barker Osafo <OBarker@schools.nyc.gov>, "wvelazquez@uft.org" <wvelazquez@uft.org>, "Amy Arundell (AArundell@uft.org)" <AArundell@uft.org>, Howard Schoor <hschoor@uft.org>, Jason Goldberg <JGoldberg@uft.org>, David Campbell <dcampbell@uft.org>, Elizabeth Perez <eperez@uft.org>, Andrea Carte <acarte@uft.org>, M Ahmad <nymushtaq@gmail.com>, dromm@council.nyc.gov, chin@council.nyc.gov, garodnick@council.nyc.gov, BKallos@benkallos.com, Helen@helenrosenthal.com, Team Levine <District7@council.nyc.gov>, yrodriguez@council.nyc.gov, Andy.King@council.nyc.gov, salamanca@council.nyc.gov, slevin@council.nyc.gov, areynoso@council.nyc.gov, vgentile@council.nyc.gov, JWilliams@council.nyc.gov, Alan Maisel <AMaisel@council.nyc.gov>, MTreyger@council.nyc.gov, cdeutsch@council.nyc.gov, DROSE@council.nyc.gov, MViverito@council.nyc.gov, D09perkins@council.nyc.gov, RLancman@council.nyc.gov, perbinfo@perb.ny.gov, PCalandrella@schools.nyc.gov, GChacon@schools.nyc.gov, ECleveland@schools.nyc.gov, GLinnen@schools.nyc.gov, LPodvesker@schools.nyc.gov, SSoto13@schools.nyc.gov, MZorillaAristy@schools.nyc.gov, ICarmignani@schools.nyc.gov, AChapman7@schools.nyc.gov, DDillingham@schools.nyc.gov, MKraft2@schools.nyc.gov, VLeung@schools.nyc.gov

Dear Mr. Hall:

Dear Ms. Macklin:

Good morning, peace, shalom, salaam!

You have not responded to my e-mails sent to one or both of you on **[Wed, Sep 20, 2017 at 9:28 AM; Wed, Sep 20, 2017 at 9:43 AM; Wed, Sep 20, 2017 at 8:15 PM and Tue, Sep 26, 2017 at 9:00 AM]**. Please respond to those e-mails and to this e-mail today at your earliest convenience.

In addition to the above mentioned four emails, I hereby in my fifth e-mail, which requires your immediate response, I make the following requests:

1. On September 11, 2017 Ms. Macklin, in the Principal's office and in the presence of the Principal Mr. Cedric Hall, said, "Mr. Ahmad I will bring your check". Please send me my check per your promise.
2. On September 11, 2017 Mr. Hall, the Principal, gave me a door-key to room 304 and asked me to bring that room under compliance of OSHA rules in approximately two weeks. However, in the evening of September 12, 2017 Ms. Macklin, under the order/advice of Katherine G. Rodi, called me via telephone and told me to the effect that Katherine G. Rodi [Director, Office of Employee Relations, krودي@schools.nyc.gov, (718) 935-2849] wanted them (the school administration) not to let me enter the school building until cleared by OPI. During the OPI's clearance process, Mr Hall rescinded my nomination effective September 19, 2017. Please provide me the rational, factual basis or reasonable justification for withdrawing the nomination and also make an appointment with me to come to my residence to pick-up the room-key to room 304.
3. Ms. Macklin offered me the chemistry teaching position at 29Q327 on September 1, 2017 and I accepted the position on the same day, which means we went into contract on September 1, 2017. Per Ms. Macklin's order, I started reporting to the school every day from the very next day of labor-day. Probably, per the school policy and just like the other teachers, I was also issued a laptop to make lesson plans and perform other professional duties. However, Ms. Macklin, under the order/advice of Katherine G. Rodi, in the evening of September 12, 2017 called me via telephone and told me to the effect that Katherine G. Rodi [Director, Office of Employee Relations, krودي@schools.nyc.gov, (718) 935-2849] wanted them (the school administration) not to let me enter the school building until cleared by OPI. During the OPI's clearance process, Mr Hall rescinded my nomination effective September 19, 2017. Please provide me the rational, factual basis or reasonable justification for withdrawing the nomination and also make an appointment with me to come to my residence to pick-up the laptop issued to me.

Please do not forget to bring the check with you, [for the days I worked, which starts from the date you offered the position and ends on the date you rescinded the nomination during the OPI's clearance process], when you come to pick-up the key and laptop. Thank you!

Respectfully,
Mushtaq Ahmad
[845-304-8981](tel:845-304-8981)

Ex. J

APPEAL (Time Sensitive)

October 3, 2017

Via e-mail: CGFarina@schools.nyc.gov and NYCChancellor@schools.nyc.gov

To:

Hon. Chancellor Carmen Fariña
NYC Department of Education
52 Chambers Street
New York, NY 10007-1243

From:

Mr. Mushtaq Ahmad
10 Parliament Drive
New City, NY 10956-6906

(845) 304-8981

nymushtaq@gmail.com

Dear Chancellor Fariña:

Mushtaq Ahmad (Appellant), who is a chemistry teacher, File # 0763277, most respectfully brings the following matters to your attention for the purpose of your conducting a full and fair investigation into the matter of the unjust, unfair, irrational, arbitrary, and capricious rescinding of Appellant's nomination for the position of a chemistry/science teacher by one or more NYC Department of Education (DOE) administrators at The Eagle Academy for Young Men III (29Q327) in District 29 in Queens. Appellant requests that you rectify the unjust, unfair, irrational, arbitrary, and capricious treatment which he has been subjected to. Please send me your decision by close of business on Friday, October 6, 2017. Following are the relevant background information and facts for your consideration to decide this appeal.

1. Appellant is sixty years old, an immigrant, a United States citizen, and currently resides in Rockland County, New York.
2. Appellant worked from September 1999 through September 2004 as a high school chemistry/science teacher in Brooklyn as a DOE employee, and was rated as "Satisfactory," with the additional comment "outstanding teacher," by the principal of Canarsie High School, and was granted tenure in 2004.
3. Appellant, after receiving tenure in DOE, resigned on good terms, accepted a job as a chemistry teacher in the Clarkstown Central School District, and moved, along with his family, to Rockland County.

4. In August 2015, Mr. James Olearchik, the principal of the School of Democracy and Leadership (SDL), one of the DOE schools, offered Appellant the position of a chemistry teacher in SDL, and made false promises to entice Appellant into accepting the position.
5. After receiving, at DOE's Office of Personnel Investigation (OPI), Mr. Olearchik's nomination for Appellant's hiring as a chemistry teacher, Mr. Seth Tinkle, an investigator from that office, which is part of DOE's Division of Human Resources (DHR), conducted Appellant's background investigation, and provided clearance.
6. Appellant was hired as the first and last chemistry teacher SDL ever hired to work at SDL, but only for the 2015-2016 school year.
7. During the 2015-2016 school year, Appellant was targeted and retaliated against because of his various complaints: discrimination, scheduling of a chemistry class period for only thirty minutes and for four days a week in violation of the requirements of the NYS Education Department, and lack of resources, including, but not limited to, insufficient numbers of lab aprons (to ensure students' safety), textbooks, chalkboard erasers, etc.
8. As per science teacher Ms. Kelly Houston's statement, it was Assistant Principal Catrina Williams who made Appellant come back for a second demonstration lesson because Ms. Williams did not want to have a Muslim chemistry teacher in SDL.
9. After Appellant's hiring at SDL, Ms. Williams said to Appellant that it was she who made Appellant come back for the second demo because she "doubts Muslim people," and that they (Muslims) "are doing wrong things all over the world."
10. On more than one occasion, Ms. Williams and her colleague, Assistant Principal Emilie Mittiga, accompanied students to Appellant's classroom, let students curse at Appellant, smirked at the cursing, and did absolutely nothing to stop it.
11. In the way of example, Ms. Williams brought a student to Appellant's classroom while a class was in progress, and permitted him to curse at, harass, intimidate, and possibly attack Appellant.
12. Furthermore, Mr. Olearchik, instead of providing a safe work environment to Appellant, advised him to hide in a teachers' lounge, and sneak out of the school building when the students had gone from the third floor to the ground floor for lunch.
13. Numerous times throughout the 2015-2016 school year, SDL administrators violated the Collective Bargaining Agreement (CBA).

14. So far, Appellant has filed and won two grievances and one complaint of an Annual Professional Performance Review (APPR) violation against the school administrators.
15. At the end of the school year, in June 2016, Ms. Mittiga and Mr. Olearchik told Appellant, in sum and substance, to change a student's Chemistry class grade from failing to passing.
16. Appellant did not agree to change the grade of that student from failing to passing because the student had been excessively absent and had not completed twelve hundred minutes' worth of laboratory experiences as mandated by the NYS Board of Regents.
17. Mr. Olearchik treated Appellant differently from the other teachers, targeted him, and forced him to do the work of his co-teachers, as well.
18. Brooklyn High School Superintendent Michael Prayor, who was informed by the UFT District Representative about the unjust treatment of Appellant by the SDI administrators, instead of addressing the matters brought to his attention, denied Appellant completion of probation, terminated Appellant's NYC teaching license, and caused Appellant to be "flagged" or "problem coded" in one or more DOE databases.
19. Such "blacklisting" took place on or about September 6, 2016, even though Appellant's scores on the APPR's Measures of Student Learning (MOSL) were in the "Effective" range in both the State Measures and the Local Measures.
20. Appellant's overall APPR final rating was "Developing" due to receiving a "Developing" rating on the Measures of Teacher Practice (MOTP) component.
21. In 2017, Appellant reapplied for a teaching position through NYCDOE's online system.
22. After the review conducted by DOE's Office of Teacher Recruitment and Quality, Appellant's application made its way to the "New Teacher Finder" and Appellant started to receive invitations to interviews and DOE's job fairs.
23. On August 8, 2017, Katherine G. Rodi, DOE's Director of Employee Relations, responded to Appellant's e-mail, "Subject: Request for clearance, and removal of false information from record," and stated, in relevant part, "There is no hold or flag on your file that prevents a principal from nominating you for a position, but that does not mean you have clearance."
24. On August 23, 2017, an unknown DOE employee, using an e-mail address OPIInfo@schools.nyc.gov, responded to Appellant's follow-up e-mail on the same topic, and stated, in relevant part, "As Ms. Rodi correctly stated, there is no 'hold or flag' on your file preventing a principal from nominating you."

25. Assistant Principal Carmel Macklin of DOE's Eagle Academy for Young Men III (29Q327) interviewed and offered Appellant a chemistry teacher position on September 1, 2017.
26. 29Q327 properly submitted Appellant's nomination, and Appellant was hired through a proper procedure.
27. From September 1, 2017, through September 11, 2017, every school day, Appellant went to 29Q327, performed his professional duties, and taught five classes assigned to him.
28. On September 12, 2017, Ms. Rodi, instead of contacting Appellant and scheduling an interview for OPI clearance, contacted the 29Q327 school administration requiring them to NOT let Appellant enter the building because he was coming as "flagged" and did not have OPI clearance.
29. Katherine G. Rodi never mentioned in her e-mails to Appellant that he was "flagged," but, instead, specifically denied it.
30. Ms. Rodi put Appellant out of work, thereby hurting not only Appellant but students' learning as well.
31. At the request of Mr. Tinkle, Appellant submitted various requested documents to him via e-mail and in person on September 18, 2017.
32. However, Mr. Cedric Hall, the 29Q327 principal, rescinded Appellant's nomination for a chemistry teacher position effective September 19, 2017.
33. OPI then closed the investigation without any determination, and without just cause, because of the withdrawal of Mr. Hall's nomination of Appellant on September 19, 2017.
34. The next day, on September 20, 2017, 29Q327 posted a science teacher vacancy online in DOE's system.

6251	QU04	77	Queens	Q327 - Eagle Academy for Young Men III	Secondary School	Teacher	SCIENCE - GENERAL SCIENCE
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35. Such vacancy was still open as of October 2, 2017, which leads to the reasonable conclusion that 29Q327 currently needs a certified chemistry teacher, just as other DOE high schools still do.
36. Appellant sent numerous e-mails to Mr. Hall, and others, requesting them to provide the rational, factual basis or reasonable justification for withdrawing the nomination, but as of October 2, 2017, there had been no response.

37. Rescinding the nomination of Appellant, after requiring him to do his professional duties and teach five classes up to September 11, 2017, without providing the rational, factual basis or reasonable justification for such action is unjust, unfair, irrational, arbitrary, and capricious.

After your appropriate full and fair investigation of the foregoing, Appellant respectfully requests that you issue an order to DOE's Division of Human Resources to complete the OPI investigation forthwith and to reinstate Appellant with retroactive salary and fringe benefits to his chemistry teaching position at 29Q327 or at any other DOE high school which needs a chemistry teacher.

In addition, Appellant states that the persistent failure and refusal of certain DOE staff to respond to e-mails of a business nature in a timely fashion, or, in some instances, at all, is extremely unprofessional and discourteous.

Therefore, Appellant respectfully requests that you instruct DOE staff to promptly respond to e-mails of a business nature, and to be professional and courteous in their replies.

Thank you very much for your anticipated immediate attention and swift decision.

I will look forward to hearing from you by close of business on Friday, October 6, 2017.

Respectfully,



Mushtaq Ahmad

Cc: Howard Friedman, Esq. -- HFriedman@schools.nyc.gov

Ex. K

APPEAL (Time Sensitive)

October 3, 2017

Via e-mail:

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To:

Panel for Educational Policy (PEP)
52 Chambers Street
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From:

Mr. Mushtaq Ahmad
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Dear Hon. Vanessa Leung, Hon. Lori Podvesker, Hon. Peter Calandrella, Hon. Isaac Carmignani, Hon. Geneal Chacon, Hon. April Chapman, Hon. T. Elzora Cleveland, Hon. Deborah Dillingham, Hon. Michael Kraft, Hon. Gary Linnen, Hon. Stephanie Soto, Hon. Ben Shuldiner, Hon. D. Miguelina Zorilla-Aristy, and Hon. Student Panel Members:

Mushtaq Ahmad (Appellant), who is a chemistry teacher, File # 0763277, most respectfully brings the following matters to your attention for the purpose of your conducting a full and fair investigation into the matter of the unjust, unfair, irrational, arbitrary, and capricious rescinding of Appellant's nomination for the position of a chemistry/science teacher by one or more NYC Department of Education (DOE) administrators at The Eagle Academy for Young Men III

(29Q327) in District 29 in Queens. Appellant requests that you rectify the unjust, unfair, irrational, arbitrary, and capricious treatment which he has been subjected to. Please send me your decision by close of business on Friday, October 6, 2017. Following are the relevant background information and facts for your consideration to decide this appeal.

1. Appellant is sixty years old, an immigrant, a United States citizen, and currently resides in Rockland County, New York.
2. Appellant worked from September 1999 through September 2004 as a high school chemistry/science teacher in Brooklyn as a DOE employee, and was rated as "Satisfactory," with the additional comment "outstanding teacher," by the principal of Canarsie High School, and was granted tenure in 2004.
3. Appellant, after receiving tenure in DOE, resigned on good terms, accepted a job as a chemistry teacher in the Clarkstown Central School District, and moved, along with his family, to Rockland County.
4. In August 2015, Mr. James Olearchik, the principal of the School of Democracy and Leadership (SDL), one of the DOE schools, offered Appellant the position of a chemistry teacher in SDL, and made false promises to entice Appellant into accepting the position.
5. After receiving, at DOE's Office of Personnel Investigation (OPI), Mr. Olearchik's nomination for Appellant's hiring as a chemistry teacher, Mr. Seth Tinkle, an investigator from that office, which is part of DOE's Division of Human Resources (DHR), conducted Appellant's background investigation, and provided clearance.
6. Appellant was hired as the first and last chemistry teacher SDL ever hired to work at SDL, but only for the 2015-2016 school year.
7. During the 2015-2016 school year, Appellant was targeted and retaliated against because of his various complaints: discrimination, scheduling of a chemistry class period for only thirty minutes and for four days a week in violation of the requirements of the NYS Education Department, and lack of resources, including, but not limited to, insufficient numbers of lab aprons (to ensure students' safety), textbooks, chalkboard erasers, etc.
8. As per science teacher Ms. Kelly Houston's statement, it was Assistant Principal Catrina Williams who made Appellant come back for a second demonstration lesson because Ms. Williams did not want to have a Muslim chemistry teacher in SDL.
9. After Appellant's hiring at SDL, Ms. Williams said to Appellant that it was she who made Appellant come back for the second demo because she "doubts Muslim people," and that they (Muslims) "are doing wrong things all over the world."

10. On more than one occasion, Ms. Williams and her colleague, Assistant Principal Emilie Mittiga, accompanied students to Appellant's classroom, let students curse at Appellant, smirked at the cursing, and did absolutely nothing to stop it.
11. In the way of example, Ms. Williams brought a student to Appellant's classroom while a class was in progress, and permitted him to curse at, harass, intimidate, and possibly attack Appellant.
12. Furthermore, Mr. Olearchik, instead of providing a safe work environment to Appellant, advised him to hide in a teachers' lounge, and sneak out of the school building when the students had gone from the third floor to the ground floor for lunch.
13. Numerous times throughout the 2015-2016 school year, SDL administrators violated the Collective Bargaining Agreement (CBA).
14. So far, Appellant has filed and won two grievances and one complaint of an Annual Professional Performance Review (APPR) violation against the school administrators.
15. At the end of the school year, in June 2016, Ms. Mittiga and Mr. Olearchik told Appellant, in sum and substance, to change a student's Chemistry class grade from failing to passing.
16. Appellant did not agree to change the grade of that student from failing to passing because the student had been excessively absent and had not completed twelve hundred minutes' worth of laboratory experiences as mandated by the NYS Board of Regents.
17. Mr. Olearchik treated Appellant differently from the other teachers, targeted him, and forced him to do the work of his co-teachers, as well.
18. Brooklyn High School Superintendent Michael Prayor, who was informed by the UFT District Representative about the unjust treatment of Appellant by the SDL administrators, instead of addressing the matters brought to his attention, denied Appellant completion of probation, terminated Appellant's NYC teaching license, and caused Appellant to be "flagged" or "problem coded" in one or more DOE databases.
19. Such "blacklisting" took place on or about September 6, 2016, even though Appellant's scores on the APPR's Measures of Student Learning (MOSL) were in the "Effective" range in both the State Measures and the Local Measures.
20. Appellant's overall APPR final rating was "Developing" due to receiving a "Developing" rating on the Measures of Teacher Practice (MOTP) component.
21. In 2017, Appellant reapplied for a teaching position through NYCDOE's online system.

22. After the review conducted by DOE's Office of Teacher Recruitment and Quality, Appellant's application made its way to the "New Teacher Finder" and Appellant started to receive invitations to interviews and DOE's job fairs.
23. On August 8, 2017, Katherine G. Rodi, DOE's Director of Employee Relations, responded to Appellant's e-mail, "Subject: Request for clearance, and removal of false information from record," and stated, in relevant part, "There is no hold or flag on your file that prevents a principal from nominating you for a position, but that does not mean you have clearance."
24. On August 23, 2017, an unknown DOE employee, using an e-mail address OPIInfo@schools.nyc.gov, responded to Appellant's follow-up e-mail on the same topic, and stated, in relevant part, "As Ms. Rodi correctly stated, there is no 'hold or flag' on your file preventing a principal from nominating you."
25. Assistant Principal Carmel Macklin of DOE's Eagle Academy for Young Men III (29Q327) interviewed and offered Appellant a chemistry teacher position on September 1, 2017.
26. 29Q327 properly submitted Appellant's nomination, and Appellant was hired through a proper procedure.
27. From September 1, 2017, through September 11, 2017, every school day, Appellant went to 29Q327, performed his professional duties, and taught five classes assigned to him.
28. On September 12, 2017, Ms. Rodi, instead of contacting Appellant and scheduling an interview for OPI clearance, contacted the 29Q327 school administration requiring them to NOT let Appellant enter the building because he was coming as "flagged" and did not have OPI clearance.
29. Katherine G. Rodi never mentioned in her e-mails to Appellant that he was "flagged," but, instead, specifically denied it.
30. Ms. Rodi put Appellant out of work, thereby hurting not only Appellant but students' learning as well.
31. At the request of Mr. Tinkle, Appellant submitted various requested documents to him via e-mail and in person on September 18, 2017.
32. However, Mr. Cedric Hall, the 29Q327 principal, rescinded Appellant's nomination for a chemistry teacher position effective September 19, 2017.
33. OPI then closed the investigation without any determination, and without just cause, because of the withdrawal of Mr. Hall's nomination of Appellant on September 19, 2017.

34. The next day, on September 20, 2017, 29Q327 posted a science teacher vacancy online in DOE's system.

6251	QU04	77	Queens	Q327 - Eagle Academy for Young Men III	Secondary School	Teacher	SCIENCE - GENERAL SCIENCE
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35. Such vacancy was still open as of October 2, 2017, which leads to the reasonable conclusion that 29Q327 currently needs a certified chemistry teacher, just as other DOE high schools still do.

36. Appellant sent numerous e-mails to Mr. Hall, and others, requesting them to provide the rational, factual basis or reasonable justification for withdrawing the nomination, but as of October 2, 2017, there had been no response.

37. Rescinding the nomination of Appellant, after requiring him to do his professional duties and teach five classes up to September 11, 2017, without providing the rational, factual basis or reasonable justification for such action is unjust, unfair, irrational, arbitrary, and capricious.

After your appropriate full and fair investigation of the foregoing, Appellant respectfully requests that you issue an order to DOE's Division of Human Resources to complete the OPI investigation forthwith and to reinstate Appellant with retroactive salary and fringe benefits to his chemistry teaching position at 29Q327 or at any other DOE high school which needs a chemistry teacher.

In addition, Appellant states that the persistent failure and refusal of certain DOE staff to respond to e-mails of a business nature in a timely fashion, or, in some instances, at all, is extremely unprofessional and discourteous.

Therefore, Appellant respectfully requests that you instruct DOE staff to promptly respond to e-mails of a business nature, and to be professional and courteous in their replies.

Thank you very much for your anticipated immediate attention and swift decision.

I will look forward to hearing from you by close of business on Friday, October 6, 2017.

Respectfully,



Mushtaq Ahmad

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